

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONTEREY BAY MILITARY HOUSING, LLC, et al.,

Plaintiffs,

-v-

AMBAC ASSURANCE CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 19 Civ. 9193 (PGG) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

The Court held a discovery conference today, January 6, 2022 (the “Conference”) concerning the discovery status letters submitted yesterday by: (i) the Jefferies Defendants (“Jefferies’ Letter” (ECF No. 394)); (ii) Defendant Dan Ray (“Ray’s Letter” (ECF No. 395)); (iii) Plaintiffs (“Plaintiffs’ Letter” (ECF No. 396)); and (iv) Defendant Ambac Assurance Corporation (“Ambac”) (“Ambac’s Letter (ECF No. 397)).

Pursuant to the Court’s rulings at the Conference, the Court Orders as follows:

1) **General Matters:**

- a. Given the January 21, 2022 deadline for the substantial completion of document productions (ECF No. 366 ¶ 7(a)) the parties shall, whenever practicable, produce documents on a rolling basis in advance of each deadline set forth below, prioritizing those documents that are most important to the claims and defenses in this action.
- b. The parties may submit a proposed order pursuant to Fed. R. Evid. 502(d) for the Court’s review and approval.

2) Non-Plaintiff MHPI Projects:

- a. By **Monday, January 10, 2022**, Jefferies Defendants shall provide to Plaintiffs a list of non-Plaintiff MHPI projects involving Jefferies or its predecessors from 2002 through 2010. Jefferies and Plaintiffs shall promptly meet and confer concerning limited, narrowly tailored documents to be produced by Jefferies for three of these projects, to be selected by Plaintiffs.

3) Custodians Chris Bicho, Rasim Moid, Austin Repetto, Linh Mach, and Bruce Robinson:

- a. With respect to custodians Chris Bicho, Rasim Moid, Austin Repetto, Linh Mach, and Bruce Robinson (collectively, the “Custodians”), by **Friday, January 14, 2022**, Plaintiffs shall disclose to Defendants: (i) the document retention policy(ies) in effect during their employment; (ii) the date any of the Custodians’ documents ceased to be retained; and (iii) Plaintiffs’ efforts to locate each Custodian’s records.

4) Debt Selection Documents:

- a. By **Friday, January 14, 2022**, Plaintiffs shall produce to the Jefferies Defendants “documents regarding the developers’ selection of lenders to finance the projects at issue,” as well as “a description of the search parameters [Plaintiffs] are utilizing to identify these documents[.]” (ECF No. 394).

5) **Records of Investigations:**

- a. By **Friday, January 21, 2022**: (i) Plaintiffs shall produce summary documents pertaining to investigations undertaken by Congress, the Department of Justice, or other regulators (the “Investigations”); and (ii) Plaintiffs shall disclose to Defendants a list of any document productions during those Investigations. Defendants may then request copies of the document productions from the Investigations in accordance with the Federal Rules of Civil Procedure, should they believe it necessary, relevant, and proportionate with their needs. See Fed. R. Civ. P. 26(b)(1). Any disputes regarding scope and burden may be raised with the Court after the parties have met and conferred.

A Telephone Discovery Conference is scheduled **Monday, January 24, 2022 at 2:00 pm** on the Court’s conference line. By **5:00 pm on Friday, January 21, 2022**, any party wishing to do so may file a letter of no longer than two (2) pages listing, without argument, discovery disputes requiring the Court’s intervention. Responses will not be permitted. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time.

Dated: New York, New York
January 6, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge